Supreme Court, U.S.
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No. 92-1965

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

DR. FRANK J. CAMOSCIO,

PETITIONER,

v.

JUDGE JAMES R. LAWTON,

RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE COMMONWEALTH OF MASSACHUSETTS

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. Is Judge Lawton entitled to Judicial Immunity since he acted outside the record before him and in clear violation of statutory and case law ?

II. Is the Petitioner entitled to Equitable Relief since the Judges actions violated Due Process by his preconceived opinion formed by the Judge talking to a person outside the record and by the Judges previous actions of breaking Court Orders selling the property, dividing the assets without ever notifying the Petitioner ?

PARTIES TO THE CASE

DR. FRANK J. CAMOSCIO,

Petitioner,

vs.

JUDGE JAMES R. LAWTON,

Respondent.

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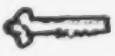
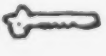
"16. Judges  36"
"18. Civil Rights  13.8(5)" . 23

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PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE COMMONWEALTH OF MASSACHUSETTS

Petitioner, Frank J. Camoscio, respectfully prays that the Writ of Certiorari issue to review the judgment and opinion of the Supreme Judicial Court for the Commonwealth of Massachusetts entered in the above cause on March 23, 1993.

OPINION BELOW

The Supreme Judicial Court of Massachusetts denied the Petitioner the right to file for Further Appellate Review complying with previous order that all matters to be heard by that Court be acted upon only if the majority of justices vote to accept filing. See Appendix A.

The Appeals Court denied the Petitioner the right to file a Brief on the grounds the Brief which was filed was scandalous. The Petitioner could not file a Brief meeting this courts interpretation of scandalous because his Brief described actions of the Respondent Judge James R. Lawton acting outside the record before him. In fact, the Brief contained Arguments clearly demonstrating that Judge Lawton acted clearly in violation of

statutory laws. The Petitioner therefore sought relief from this violation of his Constitutional rights to present arguments with the Doctrine of Free Speech under the clause of Due Process which the Appeals Court was violating. The Supreme Judicial Court denied the Petitioner the right to be heard to place a Protective Order on January 25, 1993. See Appendix B.

The Appeals Court came down with their decision on March 4, 1993. See Appendix C.

The original case was acted upon by Judge Izzo who came down with her written memorandum on April 23, 1992. She further denied the Plaintiff's Motion for Reconsideration on May 25, 1992. These decisions may be found in Appendix D.

The Petitioner also filed a Motion to have Judge Izzo step aside due

to her prejudice against the Petitioner. This motion was denied on June 16, 1992. See Appendix E.

JURISDICTION

The Petition for Equity for Further Appellate Review was not accepted for filing by the Justices of the Supreme Judicial Court for the Commonwealth on March 23, 1993.

The jurisdiction of this Court is invoked pursuant to 62 Stat. 928, 28 U.S.C. § 1254. The Petitioner also cites Rule 13 of the Rules of the Supreme Court stating that this Petition is filed within 90 days of the date of the last decision.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Petitioner brought suit under State Law, Massachusetts General Laws chapter 258 § 10(c) which stripped State Employees of any immunities for misrepresentation:

"(c) any claim arising out of an intentional tort, including assault, battery, false imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous relations or interference with contractual relations."

The Petitioner invokes the jurisdiction of this court to correct lower court decisions and reverse judgment under the First and Fourteenth Amendments of the United States Constitution

because the decision of the lower court was contrary to statutory law and the Appeals Court lacked jurisdiction to strike the Appeals Brief denying him access to the Courts on the grounds that the Brief was scandalous. The Petitioner cited with proofs the Respondents corrupt acts from the bench with documentation proving they had occurred.

The Petitioner cites the First Amendment.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble, and to petition the government for a redress of grievances."

The Petitioner cites the Fourteenth Amendment, Section 1.

"Sect. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, <u>without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.</u>"

STATEMENT OF THE FACTS

The Petitioner Dr. Frank J. Camoscio brought suit against the Respondent Judge James R. Lawton for false and misrepresented statements that Camoscio threatened and coerced Frances M. Hall. This suit was brought under Massachusetts General Laws chapter 258 § 10, which strips all state employees of any immunities for making false and misrepresented statements by act of legislature.

The Petitioner first learned that Judge Lawton stated in a Court Order that Frances Hall was threatened and coerced in April of 1991. See letter dated April 5, 1991 found in Appendix F.

Frances Hall responded to Judge Lawton's attempt of trying to appoint a guardian ad litem without anyone ap-

pearing before him making such a claim. On July 26, 1991 Frances Hall appeared before Judge Lawton in which Judge Lawton stated from the Bench that he thought Dr. Camoscio had threatened and coerced Frances Hall from taking the money. The Petitioner quotes the following: "I assumed that because you hadn't touched the money that maybe you were under some kind of threat or pressure from Dr. Camoscio or that you were suffering from some emotional stress that prevented you from acting reasonably and responsibly in coming forward and taking the money that is yours."
This is found in the transcript on page 4 lines 23-25 and page 5 lines 1-4. Copy of the entire transcript is found in Appendix G.

Judge Lawton wrote this Order on April 5th, 1991 to try and cover up his

wrong-doings in the sale of the property and distribution of its assets. Judge Lawton received a Superior Court Order in hand baring the sale of the property on November 13, 1987 from the Petitioner and Richard Hall's attorney William Flynn but on November 20, 1987 held a hearing and acted on a Motion dividing the assets of the property which was sold on October 26, 1987. The November 20, 1987 hearing was held without ever notifying Frances Hall or Frank Camoscio.

The reason Camoscio had an interest in the property was he had entered into a Purchase and Sales Agreement with both Richard and Frances Hall. The Petitioner had paid Frances Hall in full for her half of the property but Richard was given a deposit, Richard Hall then altered his Purchase and Sales Agreement with the help of his attorney

William Flynn and attorney Carolyn St. Pierre. During this same time period Richard Hall entered into another Purchase and Sales Agreement illegally with his attorney Flynn. The Petitioner filed a Motion in Probate Court to enforce the sale of the property to him but Judge Murphy was hearing the case threw the motion in the waste paper basket. Upon retrieving this motion the Petitioner was arrested, beaten, and illegally searched. A complaint was filed in Brockton District Court that day with witnesses by the Petitioner. To date, the District Attorney refuses to proceed with the case against Judge Murphy and Register Daley who attacked the Petitioner. The Petitioner filed a Complaint in Boston Municipal Court which was acted on in September 1987. Judgment was in the Petitioner's favor that the Purchase and Sales Agreement

was altered and Judge Glynn who heard the case in Boston Municipal Court instructed the Petitioner to file a Complaint for Fraud and Equity in Superior Court because District Court lacked jurisdiction due to dollar value.

The Petitioner notified the court appointed real estate broker John E. Conway in September of 1987 that he was bringing suit in Superior Court due to fraud. John E. Conway bought the property in October of 1987. The Petitioner filed a Complaint for Fraud and Equity in Plymouth Superior Court and a copy of this Complaint was filed in Probate Court as previously instructed in August of 1987 by Judge Jeremiah Sullivan who stated if you win in District Court file a Complaint for Fraud and Equity in Superior Court and file a copy of this Complaint with Probate Court. Judge Jeremiah Sullivan

refused to issue any order stopping any future sale of the property until the case in Boston Municipal Court was adjudicated.

After the Petitioner filed his Complaint in Superior Court he obtained a Temporary Restraining Order on November 3, 1987 and a Preliminary Injunction on November 13, 1987 after appearing before Judge George Sullivan on his Complaint. After the hearings in which both Richard Hall and his attorney William Flynn were questioned by Judge George Sullivan as to the status of the house both of these men answered that the house was not sold. Judge George Sullivan then issued these Orders baring the sale of the property and the division of its assets.

These Court Orders are found in Appendix H and Judge Lawton's Order dividing the assets is found in Appen-

dix I.

The Petitioner demonstrated in his Appeals Brief that Judge Lawton openly broke Superior Court Orders not to divide the assets as demonstrated by his November 20, 1987 Court Order and Judge George Sullivan's Court Orders found in Appendix I dated November 13, 1987. Judge Lawton knew that Richard Hall and his attorney had committed fraud upon the Court and Judge Lawton participated in this fraud by breaking these Court Orders. The malicious statements made against Camoscio were made in order to cover up his own wrong-doings.

The Appeals Court stated that Camoscio's Brief was scandulous but in order for the Petitioner to prove his claim for declaratory and equitable relief which he sought in both the Superior Court and Appeals Court the Petitioner must show that the Respondent

acted in the clear absence of any legal case law or statute.

The Petitioner sought Injunctive Relief but was denied by the State Supreme Judicial Court to file his Brief under the First and Fourteenth Amendments since the mechanics of the Brief met the stringent guidelines of that court and was accepted by the Clerk but the message was rejected solely on the basis of being scandalous. The Petitioner agrees when a judge commits crimes and breaks laws it is scandalous but the Petitioner is entitled to both declaratory and equitable relief.

REASONS FOR GRANTING THE WRIT

A. THE RESPONDENT JUDGE JAMES R. LAWTON LOST HIS IMMUNITY BY ACTING OUTSIDE THE RECORD AND BY VIOLATING MASSACHUSETTS GENERAL LAWS CHAPTER 258 § 10, MASSACHUSETTS GENERAL LAWS CHAPTER 268 § 6A.

The Petitioner states that the record is clear that both oral and written statements made by Judge Lawton were false concerning Frances Hall being threatened and coerced by the Petitioner. This violated Massachusetts General Laws chapter 268 § 1. The written order of April 5, 1991 violated Massachusetts General Laws chapter 268 § 6A. Judge Lawton knew that Frances Hall was not threatened or coerced by the Petitioner.

Judge Lawton at the July, 1991

hearing stated that he had talked to a friend. Judge Lawton caught himself because there was never any hearing concerning Frances Hall from being threatened and coerced. The Petitioner quotes the following: Page 11 of transcript lines 17 and 18. The Court: -- is appointed because -- A friend of yours -- ." The Judge clearly acted outside the record, lacked jurisdiction and violated Massachusetts General Laws. Because of the Judges actions all judicial immunity was lost. The Petitioner cites the following cases: Schorie v. City of Greenhills, D.C. Ohio 1981, 524 F. Supp. 821. "When judge knows he lacks jurisdiction, or acts in face of clearly balanced statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost."

and Rankin v. Howard, 633 F. 2d 844 (1980). "3. Judges 36

A judge's private, prior agreement to decide in favor of one party is not a "judicial act" for purpose of judicial immunity.

See publication Words and Phrases for other judicial constructions and definitions."

The State Legislature in their wisdom to stop corrupt people from hiding behind the immunities of the Eleventh Amendment of the United States Constitution adopted a policy and passed legislation allowing citizens to sue State Officials for corrupt acts including writing false reports and making false, malicious statements. The Petitioner brought suit under this legislation against the Respondent. Judge Lawton is a State employee and the State Legislature has stripped him of

any immunity for making false statements. See Massachusetts General Laws chapter 258 § 10(c). The Petitioner quotes the following cases: CPC Intern., Inc. v. Aerojet-General Corp., W.D. Mich. 1991, 764 F. Supp. 479. "State's consent to be sued in federal court must be in form of unequivocal indication such as express language or overwhelming implication that leaves no room for any other reasonable construction." and In re Department of Energy Stripper Well Exemption Litigation, D. Kan. 1991, 763 F. Supp. 498. "Although state may waive its immunity and consent to suit in federal court, state's consent must be unequivocally expressed."

B. THE PETITIONER IS ENTITLED TO EQUITABLE RELIEF BECAUSE THE RESPONDENT JUDGE VIOLATED DUE PROCESS BY ACTING OUTSIDE THE RECORD AND BY DISTRIBUTING PROPERTY AND ASSETS WITHOUT EVER NOTIFYING THE PETITIONER AND IN CLEAR VIOLATION OF COURT ORDERS.

The Petitioner states that Judge Lawton violated Court Orders by the selling of the property and the distribution of assets. Judge Lawton had a duty to notify Camoscio since he knew Camoscio had an interest in the property by the Court Orders found in Appendix H. The property was divided in clear violation of this Order as proved by Appendix I. Under Due Process Clause Judge Lawton was bound to hold a hearing notifying Camoscio before distributing the property. This act is a clear Constitutional violation. The

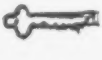
Petitioner cites the following cases: Bank of Marin v. England, Cal. 1966, 87 S.Ct. 274, 385 U.S. 99, 17 L.Ed. 2d 197.

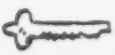
"Kind of notice required to deprive one of his property is notice reasonably calculated, under all circumstances, to apprise him of pendency of the action." and Schroeder v. City of New York, N.Y. 1962, 83 S.Ct. 279, 371 U.S. 208, 9 L.Ed. 2d 255.

"Requirement that parties be notified of proceedings affecting their legally protected rights is vital corollary to one of most fundamental requisites of due process, the right to be heard."

The Petitioner states that he is entitled to equitable relief to have all cases involving Frances Hall, the Petitioner and Judge Lawton be reviewed because as previously proved in Argument A. Judge Lawton violated State

Law and acted outside the record by speaking with people, forming opinions, and writing Orders based on these opinions. The Petitioner raised the issue of Equitable Relief in the lower Courts and cited Federal Law U.S.C.A. Title 42 § 1983 since these Constitutional violations were carried out under the Color of State Law. The Petitioner cites the following cases: Slavin v. Curry, 574 F. 2d 1256 (1978)

"16. Judges  36

Judicial immunity extends only to those functions normally performed by a judge." and "18. Civil Rights  13.8(5) Even though state court judge was immune from action for damages for his alleged participation in alteration of transcript and cancellation of bond, judge was not immune from civil rights action for equitable or declaratory relief. 42 U.S.C.A. § 1983." and

Bradford Audio Corp. v. Plous, C.A.N.Y. 1968, 392 F. 2d 67. "Due process implies impartial court, which is not provided if judge has direct, personal and substantial pecuniary interest in case." and Taylor v. New York City Transit Authority, D.C.N.Y. 1970, 309 F. Supp. 785, affirmed 433 F. 2d 665.

"Observance of right to an impartial judge is required to meet minimum standards of due process."

The Petitioner sought equitable relief by having Judge Lawton's case be given to another impartial adjudicator to correct the fraud and Constitutional violations of Due Process. The Petitioner's property was taken without a hearing and in violation of a Court Order. Judge Lawton to cover up his wrong-doing acted outside the record speaking to parties not involved in this case. Wrote and made orders which

were false blackening the Petitioner's name violating Massachusetts General Laws chapter 268 § 6A. The Petitioner seeks relief for the Judges wrongful acts under Massachusetts General Laws chapter 258 § 10(c).

CONCLUSION

The Petitioner demonstrated in his Arguments that Judge Lawton violated his Constitutional right of due process by taking property without a hearing. The Petitioner demonstrated that Judge Lawton knowingly had a conversation outside the record which formed the basis for his writing his Order that was false but proved he lost his judicial immunity by doing so. His immunity was also destroyed because under State Law State Officials are li-

able for making false statements under Massachusetts General Laws chapter 258 § 10. The Legislature stripped this immunity by this act. The Judge also broke Massachusetts General Laws chapter 268 § 6A by writing a false statement. State legislature forbids any State employee from writing a false statement. Therefore the Petitioner asks this Court to remand this case to the lower Court for a trial by jury.

I hereby certify that all of the above statements are true and are made under the pains and penalties of perjury.

Respectfully submitted,

Dr. Frank J. Camoscio

Dr. Frank J. Camoscio
Pro Se
Counsel of Record
for Petitioner

252 Hanover Street
Boston, Massachusetts 02113
(617) 720-2849

Attorney for Petitioner

Dated: June 4, 1993

Richard F. LaMonica

Notary Public

My Commission Expires Aug. 16, 1996

APPENDIX

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH

ROOM 1412 COURT HOUSE

BOSTON, MASSACHUSETTS 02108

(617) 725-8055

STATE

SEAL

JEAN M. KENNETT

Clerk

FREDERICK J. QUINLAN

ASSISTANT CLERK

L. HOLLIEY WHITE

ASSISTANT CLERK PRO TEM

MARCH 23, 1993

Mr. Frank J. Camoscio
252 Hanover Street
Boston, Massachusetts 02113

Dear Mr. Camoscio:

The Court has denied permission to file your "Petition for Equity for Further Appellate Review" and I return it to you herewith.

Very truly yours,

Clerk

Signed by: Jean M. Kennett.

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH

ROOM 1412 COURT HOUSE

BOSTON, MASSACHUSETTS 02108

(617) 725-8055

STATE SEAL

FREDERICK J. QUINLAN

ASSISTANT CLERK

JEAN M. KENNETT

CLERK

L. HOLLIEY WHITE

ASSISTANT CLERK PRO TEM

January 25, 1993

Mr. Frank J. Camoscio
252 Hanover Street
Boston, Massachusetts 02113

Dear Mr. Camoscio:

I return to you herewith the document left here several days ago for the court's permission for filing. Permission has been refused.

Very truly yours,

Clerk

Signed by: Jean M. Kennett, Clerk,
Supreme Judicial Court,
for the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS

THE APPEALS COURT

CLERK'S OFFICE

BOSTON 02108

NANCY TURCK FOLEY
CLERK (617) 725-8106-7-8-9

WARREN L. SHIELDS
ASSISTANT CLERK

ANDREW P. QUIGLEY, JR.
ASSISTANT CLERK

ASHLEY BROWN AHEARN
ASSISTANT CLERK

GILBERT P. LIMA, JR.
ASSISTANT CLERK

Frank Camoscio March 4, 1993

Re: A.C.-92-P-1350

Frank J. Camoscio

v

James R. Lawton

Dear Counsel:

In accordance with Standing Order #17A of this Court, as entered March 22, 1982 (copy enclosed), you are hereby given notice that the subject appeal/report shall be dismissed for lack of prosecution consistent with said Order for the following reason:

Brief/appendix not received-or-status report not filed.

Very truly yours,

Clerk

g
cc: Stephen Dick
Assistant Attorney General

Signed by: Nancy Turck Foley, Clerk.

#9

Appeals Court

The motion to strike is allowed. The appellant is given until 1/21/93 to file and serve a brief which complies with and is responsive to the court's order of 11/16/92.

Signed by: Gillerman, J.

12/22/92

Attest:

Asst. Clerk

Signed by: Ashley Ahearn, Assistant Clerk.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
CIVIL ACTION
No. 92-0121

DR. FRANK J. CAMOSCIO

vs.

JUDGE JAMES R. LAWTON

MEMORANDUM OF DECISION ON DEFENDANT'S MOTION TO DISMISS

BACKGROUND

This action arises from plaintiff Camoscio's allegations as to certain statements, regarding Camoscio, made by Judge James R. Lawton in the course of a hearing in Brockton Probate Court. The hearing related to Hall v. Hall, Probate and Family Court

No. 85D0970-D2. A transcript of that hearing is attached to the plaintiff's complaint; the plaintiff's allegations of wrongdoing by the defendant are allegedly contained in said transcript. Camoscio, who was not a party to that action, was given an opportunity to speak on behalf of Frances M. Hall, the defendant therein, as her friend rather than as an attorney. He alleges that Judge Lawton made false representations to the effect that Camoscio had threatened or coerced Ms. Hall, who had not availed herself of $60,000.00 held for her by the Probate Court and he further objected to the appointment of a guardian ad litem for Hall. Plaintiff states that the defendant thereby knowingly exceeded the scope of his authority and jurisdiction. Accordingly, Camoscio files this suit in Middlesex Superior Court, seeking relief un-

der the provisions of G.L. c. 258, § 10. Defendant moves this Court to dismiss the Complaint pursuant to Mass. R. Civ. P. 12(b)(6).

DISCUSSION

A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that plaintiff can prove no set of facts in support of its claim which would entitle it to relief. Nader v. Citron, 372 Mass. 96, 98 (1977). I find that plaintiff can prove no such set of facts.

Camoscio seeks to maintain a defamation action against Judge Lawton. However, the statements complained of are clearly not defamatory.[1] Additionally, regardless of the nature of the statements, Camoscio's claim is

barred by the doctrine of judicial immunity.

The necessary inquiry in determining whether a defendant judge is immune from suit is whether at the time he took the challenged action he had jurisdiction over the subject matter before him. Stump v. Sparkman, 435 U.S. 350, 356. The scope of the judge's jurisdiction must be considered broadly when the issue is the immunity of the judge. Id. at 356.

The relevant cases demonstrate that the factors determining whether an act by a judge is a "judicial" one relate to the nature of the act itself, i.e., whether it is a function normally performed by judges, and the expectations of the parties, i.e.,

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[1] Transcript of proceedings of July 26, 1991, p. 4, lines 23-25;

transcript of proeedings of July 26, 1991, p. 3, lines 18-21; letter to Ilene B. Belinsky, dated April 5, 1991.

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whether they dealt with the judge in his judicial capacity. Stump, supra, at 362. The statements underlying the Complaint in this action were made during, and in conjunction with, a hearing regarding the motion by Frances M. Hall to remove Ilene Belinsky from her position as guardian ad litem. Judge Lawton, as a judge of the Probate Court, had jurisdiction over the matter. Clearly the parties were aware that they were dealing with Judge Lawton in his judicial capacity, since they presented themselves before the Court for the purpose of being heard on Ms. Hall's motion.

Even were Judge Lawton not protected by judicial immunity, Camoscio

would still fail to state a claim due to the fact that judicial proceedings in general are privileged. Judges, counsel, and witnesses are absolutely exempted from liability to an action for defamatory words published in the course of judicial proceedings. McLaughlin v. Cowley, 127 Mass. 316, 319. Certainly a hearing with respect to the appointment of a guardian ad litem is a judicial proceeding. The privilege, however, cannot be exploited, since it is available only when the challenged remarks are relevant or pertinent to the judicial proceedings. Sullivan v. Birmingham, 11 Mass. App. Ct. 359, 362 (1980). All remarks made by defendant Lawton were unquestionably relevant and pertinent to the proceedings; as a Probate Judge charged with safeguarding Ms. Hall's right to the money held for her by the Court, the Judge had a right,

if not a responsibility, to ask Ms. Hall why she had not availed herself of those funds.

After an examination of the transcript, I am at a loss as to any discernible claim against the defendant the plaintiff may have. I therefore find that plaintiff Camoscio has failed to state a claim against defendant Lawton, due to the immunity enjoyed by judges functioning in their official capacity, as well as the privilege extended to all judicial proceedings generally. We need not reach the procedural issue of venue, having decided the motion on substantive grounds.

ORDER

For the foregoing reasons, it is hereby ORDERED that defendant's motion

to dismiss pursuant to Mass. R. Civ. P. 12 (b)(6) be ALLOWED. The defendant is to have costs.

Katherine Liacos Izzo
Justice of the Superior Court

Dated: April 23, 1992

Signed by: Katherine Liacos Izzo,
Justice of the Superior Court

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

THE SUPERIOR COURT

CIVIL DOCKET# MICV92-00121

RE: Camoscio v Lawton, J.

TO: Frank J. Camoscio
33 Plainfield Street
Waban MA 02168

--- CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on 06/12/92 is as follows:

Notice of appeal of plaintiff Frank J. Camoscio from the decision of Judge Izzo

on the motion for reconsideration dated May 21, 1992. (copies sent to all counsel of record 6/12/92)

Dated at Cambridge, Massachusetts this 12th day of June, 1992.

Edward J Sullivan,
Clerk of the Courts

BY:

J Haviland
Location: Rm 7A (Cambridge)
Telephone: 617-494-4251

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
CIVIL ACTION
NO. 92-0121

DR. FRANK J. CAMOSCIO

vs.

JUDGE JAMES R. LAWTON

MOTION TO HAVE CASE REHEARD

BY IMPARTIAL JUDGE

The Plaintiff Frank J. Camoscio states that Judge Izzo should not have heard the above-entitled action because of her inability to act impartially on matters concerning the Plaintiff in the past. Judge Izzo had recused herself on hearing matters concerning the Plaintiff. The judge during the oral hearing stated that

she would recuse herself. The judge stopped the Plaintiff from responding to the Defendant's attorney's allegations. Judge Izzo got up and left the bench because the Plaintiff told the court about her brother's wrong-doings concerning these allegations.

Judge Izzo was to act on a motion for reconsideration after the Defendant's attorney sent in her opposition on May 21, 1992. No opposition was ever filed prior to the judge's action. The judge knew that the Defendant's attorney would have committed perjury if she had reiterated the same story that she had presented orally to the court. This attorney claimed that Judge Lawton wrote the order after a hearing, yet the record shows just the opposite. Judge Izzo could not have found in the Defendant's favor if the Defendant had committed perjury to the court.

Judge Izzo should have recused herself in this case because of her brother's involvement in allegations brought up by the defense attorney. Judge Izzo had recused herself in the past from acting on matters concerning the Plaintiff.

PRAYER

1. The Plaintiff prays that the court move under Rule 60 for the sake of justice to have the above-entitled action be reheard by an impartial judge.

I hereby certify that all of the above statements are true and are made under the pains and penalties of perjury.

FRANK J. CAMOSCIO
Pro Se
252 Hanover Street
Boston, Massachusetts 02113
Telephone (617) 720-2849

Dated: May 28, 1992.

June 16, 1992. Motion is DENIED MATTER was fully heard by this court, considered and DECISION RENDERED.

Signed by: Izzo, J N.B.

FILED
IN THE OFFICE OF THE
CLERK OF THE COURTS
FOR THE COUNTY OF MIDDLESEX

JUN 10 1992

Signed by:

Edward J. Sullivan

CLERK

THE COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

THE PROBATE AND FAMILY COURT DEPARTMENT

PLYMOUTH DIVISION

JOHN J. DALEY, REGISTER

PLYMOUTH

April 5, 1991

STATE
SEAL

FIRST JUSTICE
HON JAMES R LAWTON

ASSOCIATE JUSTICES
HON GEORGE N ASACK
HON SUMNER Z KAPLAN
HON CHARLES J. BOWSER, JR.

ASSISTANT REGISTERS
DOROTHY A SAVOY
BENJAMIN F HARLEY
SUSAN ANDERSON
CYNTHIA E GATES

RUSSELL STREET
P.O. BOX 3640
PLYMOUTH, MA 02361

72 BELMONT STREET
BROCKTON, MA 02401

Attorney Ilene B. Belinsky
Reservitz & Steinberg
528 Pleasant Street
Brockton, MA 02401

Dear Attorney Belinsky:

I have appointed you Guardian ad Litem to represent the interest of Mrs. Frances M. Hall, now or formerly of 30 Elm Street, Pembroke, MA and the defendant in the above divorce action.

There is at the present time a total of $62,565.25 held in the Massachusetts Bank and Trust Company here in Brockton on a Certificate of Deposit. These funds are the property of Frances M. Hall and she has not claimed them, which she has the right to do at any time.

I am of the opinion that Mrs. Hall failed to claim these funds which

are proceeds from the sale of the family home and represents her equitable interest. I feel that Mrs. Hall's failure to take these funds is the result of coercion and threat and that her conduct under the circumstances is impaired and that there is a necessity for the appointment of a Guardian ad Litem to represent Mrs. Hall in an effort to see that these funds are delivered to her for her use.

I appreciate very much your willingness to accept appointment, and I am prepared to make an appropriate Order at a future time against the funds in the deposit in order to pay you for your service in this matter. If you have any questions, please feel free to contact me. With many thanks and with best wishes, I am

Sincerely,

James R. Lawton, First Justice
Probate and Family Court Dept.

JRL:mea

Signed by: James R. Lawton, First Justice, Probate and Family Court Department.

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PAGES 1 - 21

EXHIBITS NONE

COMMONWEALTH OF MASSACHUSETTS
PROBATE AND FAMILY COURT DEPARTMENT

PLYMOUTH DIVISION ss.

PROBATE AND FAMILY COURT
No. 85D0970-D2

RICHARD J. HALL,)
)
Plaintiff,)
)
vs)
)
FRANCES M. HALL,)
)
Defendant.)
)

BEFORE: JAMES R. LAWTON, J.

Brockton Probate & Family Court
72 Belmont Avenue
Brockton, Massachusetts 02403
Friday, July 26, 1991
Commencing at 11:48 A.M.

MAHANEY REPORTING SERVICES
Tel. (617) 542-4207

Frances M. Hall, 58 Mount Vernon Street, Somerville, Massachusetts 02145, pro se.

THE COURT: Now, are you Mrs. Hall, ma'am ?

MRS. HALL: Yes, Judge Lawton.

THE COURT: Let me just make a very brief statement to you, that at the time that the divorce judgment was entered in this matter, proceeds from the sale of the real estate went into an account in the name of the first judge of this court for your benefit. It was your equitable interest that was represented in those sums of money.

Your friend, Doctor Camoscio, apparently, has filed all kinds of actions in various courts and-- Alleging that

really his--
It was his interest that had been sold in the real estate and, therefore, whatever equity was available was his.

Now, Doctor Camoscio is a separate matter. I have had him before me many times and many, many judges have had him before them many, many times over the years.

In the Hall divorce there is no appeal pending. There is nothing to litigate.

You're not getting any younger. I am not getting any younger. I am ready to

retire. So-- But, there is sixty or seventy thousand dollars sitting in the kitty that is yours. And you should take it and use it and enjoy it while you're young enough and well enough to have it and use it and enjoy it.

As I said, there is nothing to litigate. I mean, I know in Mr. Camoscio's-- He has prepared this--

MRS.HALL: No. He didn't.

THE COURT: Okay. You did?

MRS. HALL: I did.

THE COURT: Okay. There is nothing to litigate because there is no appeal.

The Hall divorce is gone. It's

done. Over. There are no appeals pending. This money is yours.

Now, the fact that Mr. Camoscio suggests, or Dr. Camoscio suggests, that it is really his money, fine. If you want to withdraw the funds and give them to Doctor Camoscio, do it. Give him the dough. Or keep it. Take it and use it yourself, which I would recommend.

I assumed that because you hadn't touched the money that maybe you were under some kind of threat or pressure from Doctor Camoscio or

that you were suffering from some emotional stress that prevented you from acting reasonably and responsibly in coming forward and taking the money that is yours.

So, the reason I appointed a guardian ad litem was merely to sort of send a neutral person to go and talk with you and say, "Mrs. Hall, this is your money, why don't you take it while you are still alive and at a time when, apparently, you can use these funds? "

So, I just want you to understand that's the only reason I asked At-

torney Belinsky--
Because I appoint her once in a while on matters
that I feel she might be helpful because I have
always found her to be a very tactful and kind,
considerate individual and a very competent
lawyer.
So, that's the reason she was involved. Nobody is trying to harass you. It was
just a question of seeing if we couldn't get you
to just take your money out of the bank and enjoy
it.
MRS HALL: I will not, your Honor.
THE COURT: That is okay. You

don't have to do anything.

MRS. HALL: I--

THE COURT: The money will just stay there

MRS. HALL: The reason I came today, Your Honor, is that, you know, where you said in your opinion you thought maybe I had been threatened or coerced, you know, and it was causing me to have this kind of conduct. I resent that because nobody has threatened me. Nobody has coerced me. And I am competent. And that implies that I am not, by my conduct.

THE COURT: Whenever-- Whenever The Court appoints somebody to represent children, we do it not because the children

are incompetent,
but because they are under the disability of being
minors.
MRS. HALL: I am not a minor.
THE COURT: I know.
In your case, since no one knows why you haven't taken these funds--
MRS. HALL: Because--
THE COURT: --which are ultimately going to wind up in the State Treasury-- You will always be able to get them if you live long enough, but it defies logic-- I think reasonable

men and women would find it difficult to understand why you have not taken these funds which are sitting there, especially in light of the fact that Doctor Camoscio never paid anybody a nickel for any interest in that real estate. And when the property-- When your interest was put into an account, to protect it in the name of the first judge of this court, it was perfectly appropriate. And to ask somebody-- That nobody-- Nobody published anything to the world. This

court, on its own initiative, said, "Why don't you speak to Mrs. Hall and see, you know, why she doesn't take her money ?"

Now, if you don't want to take the money, that will be the end of it. But logic itself says there's a lot of money here and she should have it. I am sure she could use it. So, that's it.

MRS. HALL: Well,--

THE COURT: There's nothing further to litigate. If you ever want it, even if the State Treasurer takes it, you will still be able to get it. And after your death - after you die and we all die-- I am sixty-five I

know that in

another five, ten or fifteen years--

MRS. HALL: That's the only thing we have in common, judge.

THE COURT: You're gonna-- You're gonna go to the happy-hunting ground, too.

MRS. HALL: I will probably go first.

THE COURT: Your family-- Your family will get this money at some time.

MRS. HALL: I have no family.

THE COURT: Okay. You must have relatives. There must be cousins or aunts or sisters or--

MRS. HALL: Distant cousins.

THE COURT: Distant relatives.

MRS. HALL: That I have no contact with.

THE COURT: Even if you wanted to take the money out and give it to

Doctor Camoscio
19 - that's fine. We don't care. But the money is
20 sitting there and you have a right to do whatever
21 you want with it.
22 MRS. HALL: I will leave it there.
23 THE COURT: So, you go ahead and
24 make whatever statement you want.
25 Are we getting her on the record,

John ?

THE CLERK: Yes.

THE COURT: Do we have a status on the tape ?

THE CLERK: Yes.

THE COURT: Tape what ?

THE CLERK: Tape two hundred B starting at three seventy-two.

THE COURT: Okay.

Go ahead, Mrs. Hall, please.

MRS. HALL: Well, first of all my questions to you are, you know, how did you come up with the idea that I was threatened or coerced, which we have just talked about ? I haven't been. All right ?

I am a very honest individual and probably a very stubborn individual. I feel that

when I sign a purchase and sale agreement with a person, and my husband - my ex-husband signed it at the same time, then that's the person who should get the house. All right ?

There's no conveyance on that house and there should be.

Richard, I believe, was told he had to get one. And there isn't one. That means the

house, to me, is illegally sold to the Conways.

All right ?

It is in litigation. Mr. Conway is suing me and Doctor Camoscio in Superior Court.

Now, we are in-- What's the name of that court ?

The Appeals Court. I am learning my law as I go.

THE COURT: Okay.

MRS. HALL: He also-- His lawyer had a restraining order put on the money so I could not touch it. I don't know if you realize that. And I said if he felt that way it was fine with me, put the restraining order on it. All right ?

Now, like I say, we are just about to go to Appeals Court.

The house was sold with a restraining order on it from Judge George Sullivan. I thought that was illegal.

So, you see I feel that the house was sold illegally to the Conways.

And I will fight it.

Now, this is, you know, I mean-- This is all new to me - law, you know, and trying to be pro se. But I just am strongly, you know,-- Feel very strongly that I, you know, am being

honest.

That Mr. Sullivan, Mr. Conways' lawyer, said just because I tell the truth doesn't mean I'm not going to get penalized and fined in court. Well, I don't understand that a bit. You know, I thought the truth was, you know, the best thing. Evidently it isn't.

I will not take the money. I do not want a guardian. I don't see why I have to have one.

THE COURT: There isn't a guardianship pending.

MRS.HALL: Okay.

THE COUPT: A guardian ad litem--

MRS. HALL: Is a friend of the court.

THE COURT: --is appointed because-- A friend of yours--

MRS. HALL: Yes.

THE COURT: --appointed by the Court just to make a determination as to whether or not everything is okay with you.

MRS. HALL: It's fine.

THE COURT: And apparently everything is okay with you, which is fine.

As I told you, if you don't want the money, fine, that's your business.

MRS. HALL: No. I am going to fight Mr. Conway all the way.

THE COURT: Okay.

Well, that's about it. I don't know what else there is to say.

MRS. HALL: You know, --

THE COURT: If there is a possibility that the Court would entertain an order for counsel fees for the guardian ad litem for her services, but other than that--

MRS. HALL: I don't think that's fair.

THE COURT: Other than that, you know, I don't know what else to say to you.

MRS. HALL: She has not done an investigation or anything, which is what would come under the guardian ad litem, I believe,--

THE COURT: Well, as I indicated--

MRS. HALL: --to investigate--

THE COURT: As I indicated to you, the sole purpose of the Court was just to see if there was a possibility that you were under some duress--

MRS. HALL: None whatsoever, sir.

THE COURT: --from Doctor Camoscio or, you know,--

MRS. HALL: No. In fact his family has been very--

THE COURT: Doctor Camoscio - Doctor Camoscio never paid anybody a nickel--

MRS. HALL: He has paid me money.

THE COURT: --for his interest.

No. He has even testified that he never paid anything.

MRS. HALL: He has paid--

THE COURT: There was no consideration except the--

MRS. HALL: I have been out of work four and a half years, sir.

THE COURT: --fact that he had been good to you from time to time.

MRS. HALL: Right. And if it wasn't for him--

THE COURT: And that is basically his testimony in the past.

That property is yours; he doesn't own anything. There's nothing in the record that ever indicated that Doctor Camoscio had any

interest. But if he did, that's between you and he. You see, that is between you and he. There was a conveyance ordered by Judge Murphy of your interest to your husband back at the time of the divorce. And that was years ago. When were you divorced ? '81 ? '82 ?

MRS. HALL: '87.

THE COURT: '87.

MRS. HALL: And I did not know--

THE COURT: Well, there was a judgment.

MRS. HALL: Because I never got a notice.

THE COURT: So, he had a right to convey-- All he had to do is record the judgment

of divorce and that was it. And then he had a right to convey to whomever he wished, which he did, with the understanding that yours - your interest would be protected.

So, the file is there. You're at liberty to take a look at the file. Doctor Camoscio, I know, is a very dear friend of yours and I know he has gone through the file.

MRS. HALL: Over thirty years, sir.

THE COURT: And I know that he has

advised you that Judge Murphy ordered a conveyance back at the time you got your divorce.

So, the money is there - you want it, fine. If you don't, hey, that's fine, too.

MRS. HALL: I cannot take that money. It's not mine.

DOCTOR CAMOSCIO: Can I say something, Your Honor ?

THE COURT: No. You are really not a party, Doctor. I appreciate you are a friend.

DOCTOR CAMOSCIO: You mentioned my name.

THE COURT: Nobody said anything bad about you.

MRS. HALL: He and his wife have a son and, you know,--

DOCTOR CAMOSCIO: She is very

friendly with my wife.

THE COURT: Do you want him to say something ?

MRS. HALL: If he wants-- If he wants to talk, it's fine with me.

THE COURT: Go ahead.

DOCTOR CAMOSCIO: She filed a motion here today. For the record, we would like

you to answer that. It's wrong-doings. There were court orders that were broken. And if you look at the divorce nisi, Your Honor, it said that she had to cooperate, which she did.

MRS. HALL: I certainly did.

DOCTOR CAMOSCIO: She did sell the property. Look at the divorce nisi there is no proper conveyance. The thing is there have been a lot of wrongdoings in this court, by yourself, - the answers are here with the material. You should answer it. She filed it. I wish you would. If not, I personally - because she gave me

a copy of this - will go up to the district attorney's office. We already filed one with Mr. O'Malley. We will go to Civil Liberties because this young lady has been hurt.

I get the inference here that she is a girlfriend of mine. I am married and have children that are almost her age. Let me say one thing--

MRS. HALL: In fact, I helped his son pick a medical school.

DOCTOR CAMOSCIO: You were told what is the relationship between Flynn, St. Pierre, and Mr. Richard Hall. We can prove that

MAHANEY REPORTING SERVICES

Tel. (617) 542-4207

Mr. Richard Hall was cohahiting. And you know right now, and it will come all out in court when it does, what is the relationship before divorce between St. Pierre and Richard Hall. Okay ?

The thing is I get inference here, every time I come here, I'm shacking up, or something, with this girl. She is a friend. I have a wife. I'm happily married. I have children that are going - getting ready to go to medical school.

MRS. HALL: His wife's a nurse, too.

DOCTOR CAMOSCIO: And I resent the

fact that this-- You read your letter. I came here today because I was under the impression that you would say it would be Doctor Camoscio.

First of all, she was never coerced. You had no right on your own, Your Honor, to do that without investigating.

I want, where my name was mentioned,-- Your investigative notes-- If you were told that she was coerced and threatened outside of a motion-- There is no motion filed in this case, by anyone. By anyone. Mr. Flynn didn't come here today because he--

If he got up

have stopped. The relationship between St. Pierre and Richard Hall was definitely-- Call in a grand jury. You are covering up, in my opinion, your wrongdoings, Mr. Lawton. And I think you should answer this motion with the proofs. They are right there. They are right there. Read it. Answer it. At least give her that much. And if this is wrong, if this is wrong, then I will plead with this young lady to take the money. But if she's right, then, I will go to Supreme Judicial

Court for sanctions against you, which I plan to do anyway.

I can prove wrongdoings, Mr. Lawton. I have nothing else to say The wrongdoings are there. I came here because I told her that the only one that she could say coerced you-- That the only one that has ever been coerced in this Court has been this young lady.

She sold me her property. I know that all the divorce nisi said was that she had to cooperate. She did. She and her husband both signed a purchase and sale agreement. He received

moneys. And look at this copies of it. It was so amateuristic, the changes.

It's all there, Your Honor. I feel

sorry for this young lady to be here to listen to this.

THE COURT: If you said you are through, I take your word for it. Okay ?

DOCTOP CAMOSCIO: But all I want is-- And she-- I'm sure it's her wishes also, is for you to answer this motion in writing say it's false, find one false thing in there, then, Your Honor, you have the right to haul me into court.

THE COURT: The only thing I want to say in conclusion is that I hope that she will take the money. I hope that she will at some point take the money because it's

hers and she
14 ought to have it and nobody should be--
15 DOCTOR CAMOSCIO: In other words,--
16 THE COURT: --withholding
17 anything.
18 You sit down for a second, please.
19 You had your chance to speak.
20 DOCTOR CAMOSCIO: I didn't finish.
21 THE COURT: Don't repeat yourself.
22 You have already repeated yourself. I told you
23 the final statement here today is, "I hope she
24 takes her money, it's hers."
25 DOCTOR CAMOSCIO: Can I ask one

question ?

THE COURT: No.

THE CLERK: That's it. Court will stand in recess.

THE COURT: Okay.

(Whereupon the proceeding was concluded at 12:05 p. m.)

CERTIFICATE

Commonwealth of Massachusetts
Norfolk ss.

I, Carole Terrier, a Notary Public, do hereby certify that the foregoing record, pages 1 through 21 inclusive, is a complete, accurate, and true transcription of my stenographic notes taken in the aforementioned matter to the best of my skills and ability.

14

Carole Terrier

Signed by: Carole Terrier

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT OF THE
COMMONWEALTH

CIVIL ACTION
NO. CA87-1908

FRANK J. CAMOSCIO, Plaintiff(s)

vs.

RICHARD HALL, Defendant(s)

SUMMONS AND RESTRAINING ORDER

To the above-named Defendant :

You are hereby summoned and required to serve upon Frank J. Camoscio, plaintiff whose address is 252 Hanover St., Boston, an answer to the complaint which is herewith served

upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at PLYMOUTH either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint for a preliminary injunction and that a hearing upon such application will be held at the Court House at said PLYMOUTH in the first session without jury of our said Court on Friday the 6th day of November, A.D., 1987, at 9:30 o'clock A.M., at which you may appear and show cause why such application should not be granted.

In the meantime, until such hearing. WE COMMAND YOU, said defendant, Richard Hall and your agents, attorneys and counsellors, and each and every one of them, to desist and refrain from transferring, selling or otherwise disposing of the property located at 30 Elm Street, Pembroke.

Witness, THOMAS R. MORSE, JR., Esquire, at Plymouth, the ..fourth..... day of ..November....., in the year of our Lord one thousand nine hundred and eighty-seven.

CLERK.

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.

2. When more than one defendant is involved, the names of all defendants should appear in the caption.

If a separate summons is used for each defendant, each should be addressed to the particular defendant.

Signed by: Clerk, Francis R. Powers.

Form 4 . 2M.6.78.RP

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT
CIVIL ACTION
No. CA87-1908

TO RICHARD HALL, of Pembroke,
County of Plymouth, defendant your,

Agents, Attorneys, and each and every
of them.

, GREETING:

WHEREAS, it has been represented unto
us, in our Superior Court, by
Frank J. Camoscio, of
Boston County of Suffolk

Plaintiff, that the, said Plaintiff, has
exhibited a Complaint in our said Court
against you, the said defendant
Richard Hall

wherein said Plaintiff, among other things, pray for a Preliminary Injunction against you. the said defendant:

Richard Hall

WE THEREFORE, in consideration of the premises, do strictly enjoin and command you, the said Defendant, and all and every the persons before named, to desist and refrain from transfering, selling or otherwise disposing of the property located at 30 Elm Street, Pembroke, Ma.

until the further order of our said Court, or some Justice thereof.

Witness, THOMAS R. MORSE, JR., Esquire, at Plymouth, the thirteenth day of November in the year of our Lord one thousand nine hundred and

eighty-seven.

_____ Clerk.

Signed by: Clerk, Francis R. Powers.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PROBATE & FAMILY
COURT, DEPARTMENT
OF THE TRIAL COURT

RICHARD J. HALL, PLAINTIFF

V.

DOCKET NO. 85D0970

FRANCES M. HALL, DEFENDANT

AMENDED MOTION OF WILLIAM J. FLYNN, JR.
FOR PERMISSION TO DISTRIBUTE FUNDS

Now comes William J. Flynn, Jr. attorney for Plaintiff, Richard J. Hall and moves that this Honorable Court allow him to distribute $62,500.00 in funds that are in part Defendant's, Frances M. Hall's share from the proceeds of the sale of 30 Elm Street, Pembroke, Ma., Pursuant to a decree nisi in this case as follows:

1) &838,86 to Mark Fitzsimmons

Esq. as per order of this court.

2) &8,150.00 to Richard J. Hall as per decree nisi of this court, computed as follows; Defendant's share of maintenance of marital home at $500.00 per month from 7/1/86 - 10/31/87 or 16 months at $500.00 or $8,000.00 plus $150.00 to move personal belongings of Defendant's, Frances M. Hall.

3) $5,550.00 in counsel fees to William J. Flynn, Jr., attorney.

4) 47,961.14 to Defendant, Frances M. Hall.

William J. Flynn, Jr.

Signed by: William J. Flynn, Jr..

Plymouth, ss. Probate Court

NOV 20 1987

The within motion is hereby allowed.

Justice of Probate and Family Court

Signed by: Justice James R. Lawton.

PROBATE & FAMILY COURT

FILED Nov. 20, 1987

PLYMOUTH DIVISION

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss Probate & Family Court
85D 0970 D1

Richard J. Hall

vs.

Frances M. Hall

ORDER TO DISTRIBUTE FUNDS

AS PER MOTION, PURSUANT

TO THE FINAL JUDGMENT OF DIVORCE

The parties are before the court on this date. Attorney William J. Flynn, Jr. of Hanover appears for the plaintiff, Richard J. Hall. Attorney Paul J. Machado of Fall River appears for the defendant Frances Hall. The parties had been before the court on Monday, November 16, 1987 on the motion of Attorney Flynn for a distribution of funds and for counsel fees for services rendered by him in this matter.

The court advised Attorney Machado that it would be necessary for him to produce a detailed medical statement concerning the physical condition of the defendant Frances M. Hall, who is alleged to be seriously ill. The medical information is not presented to the court on this date, and although representations are made concerning her poor physical health, the court is satisfied that this matter should not be continued further.

The amended motion of Attorney William J. Flynn, Jr. for permission to distribute funds is herby allowed and the sum of approximately $62,500.00 held by him in escrow is to be distributed as set forth in said motion.

The sum of $62,500.00, which is the share of Frances M. Hall and the balance from the sale of the family

home, shall be disbursed as ordered herein and shall occur on December 4, 1987 and in the event that the defendant, Frances M. Hall, refuses to accept those sums due her of approximately $47,961.14 said sum shall be deposited in the name of the First Justice of this court upon petition for leave to deposit said funds.

November 20, 1987

By the court:

James R. Lawton, First Justice
Probate & Family Court Dept.

Signed by: James R. Lawton, First Justice, Probate & Family Court Dept.

JRL: MLP

cc: Plaintiff, Defendant

Attorneys Flynn and Machado